

Possible future SUD policy options for further discussion with SUD WG members¹

1. **IPM: Do any changes need to be made to the current legal provisions for IPM, including the IPM principles and should we Introduce IPM record-keeping requirements in legislation ?**

Portugal:

The current legal provisions should be changed in the sense that they should specify some details, namely the type of records that should be made, by professional users of PPP, namely related to choice of PPP treatments in the process of decision making and or recording pest monitoring. It should be clarified the level of detail and a harmonised minimum of records that should be made.

We must have in mind that this task should not be a burden, but these records are a useful monitoring or enforcement tool for Member State competent authorities.

In Portugal, we know that farmers have difficulties in fulfilling the record keeping requirements when they don't have technical assistance. We had two different models of farm books in place, and in 2020, we established a national standard farm logbook to make the task of record keeping easier. A project is now running for a centralised electronic register for record keeping for all producers.

2. **DRONES/AERIAL SPRAYING: Are changes needed to the current SUD regarding facilitating precision agriculture and particularly the use of drones for spraying, change the current SUD wording on aerial spraying?**

Portugal:

Due to the technology evolution in the last 10 years, new legal provisions should be considered to allow the possibility to use drones in aerial applications subject to a risk analysis given recent advances and studies demonstrating reduced risk from aerial drone application.

The use of drones for survey fields/crops should not be restricted.

3. **TESTING OF PAE: Any need for changes to the current system for testing PAE outlined in the SUD ?**

Portugal:

To facilitate the mutual recognition of PAE inspection certificates, inspection standards and criteria for different types of equipment should be harmonised at EU level.

¹ This is a non-exhaustive list of possible policy options based on discussions in the breakout groups at the SUD BTSF one-off workshop of 17-19 November 2020. SUD WG members are free to add proposals for extra policy options based on their national experiences concerning implementation, application and enforcement of the SUD.

In the new legal provisions it would be useful to set minimum inspection requirements before the placing on the market of new equipment and any modifications to equipment would also need inspection before use.

4. **POSSIBLE LEGISLATIVE SIMPLIFICATION/REDUCTION OF ADMINISTRATIVE BURDEN: Can some elements of the SUD be simplified to reduce the admin burden for MS and stakeholders ?**

Portugal:

Integration of records kept for diverse purposes, e.g. IPM and cross-compliance requirements. Electronic record keeping and unlimited access by authorities could allow higher transparency, contribute to higher accuracy and timely record keeping, since audits would be possible 24h/day, 7 days/ week.

The format of the records kept should include amounts of PPPs applied, so that there are data on the use of PPPs.

5. **COLOUR CODED LABELLING OF PPP PRODUCTS: Consider a traffic light colour coding label or sticker on the PPP package (green, amber, red) to indicate varying hazard for health and environment?**

Portugal:

To facilitate the decision of the professional user on which PPP to use, it would be very useful to objectively divide PPPs into 3 such groups or even 2 groups of the most hazardous and least hazardous products for health and environment and Beneficials.

In the past, in Portugal we classified the PPP in three categories, with clearly defined criteria based on effects (hazard identification) on beneficial insects and bees, toxic categories and mobility potential. There were certain PPP that would not be allowed under IPM as a consequence of this system.

- Products permitted in IPM without restrictions (Green);
- Products permitted in IPM with restrictions (Yellow);
- Products not permitted in IPM (Red);

This classification was an important information readily identifiable to support the advisory system but also farmers' decisions. With the mandatory implementation of IPM principles by all users this system became contradictory, so it was dismissed.

6. **RESTRICTIONS ON USE OF SOME PPPs: Potentially restrict/ prohibit the use of some more hazardous pesticides by all or some users: agricultural, non-agricultural, professional and non-professional users?**

Portugal:

Considering the possible risks from the use of pesticides, non-agricultural and non-professional users should be better informed on the overall impacts of the use of pesticides through awareness-raising campaigns, information passed on through retailers and other appropriate measures (television, internet, etc.). Portugal has national legislation in place regulating the authorisation and use of PPP for non-professional users (domestic/home gardening) setting strict criteria with regards to human hazard profile of the PPP and legislation prohibiting the use

of PPP in non-agricultural areas where groups of vulnerability may be exposed (near healthcare facilities, day-care facilities, schools, camping sites,...) providing derogations in particular circumstances. Also, legislation is under preparation for the protection of residents from the use of PPP in agricultural areas.

It is important to restrict the use of some categories of PPP by non-professional users and non-agricultural users.

Even under the professional use frame there should be distinctions: there are PPPs that due to their hazard or due to specific mode of application, may require specific training for that category of PPPs (eg. Phosphides, 1-MCP and other fumigants). In Portugal we have specific training and certification for “specialised professional users”. These must have the certificate for professional use and on top of that specific training for each type of “specialized” products.

7. **ANY EXTRA INFORMATION OR COMMUNICATION ACTIVITIES NEEDED: Should any extra information or communication measures be included in the SUD ?** any need to improve the information to the general public or residents when pesticides are used or planned to be used in their local area, any experiences at MS level on this ?

Portugal:

The SUD/Regulation 1107/2009 already provide for the possibility of implementing appropriate communication measures. Experience has shown that an obligation to provide information and warning to neighbours in an agricultural setting is overly cumbersome for farmers and not effective. However it would be useful to further explore the need to provide an early warning to those that specifically require it by means that are agreed by both parties.

8. **POTENTIAL HIGHER TAXATION OF MORE HAZARDOUS PESTICIDES: Should a higher VAT tax rate or an environmental/excise tax be applied to some more hazardous chemical pesticides/candidates for substitution, if so which pesticides and which tax rate would disincentivise their use ?**

Portugal:

We do not agree with a specific taxation of more hazardous PPPs as this would have a negative effect in the overall strategy of resistance management but also would promote the illegal use or use of illegal PPP as available PPP are decreasing. It would also be disproportionate considering all other agricultural inputs used by farmers such as fertilizers, biocides, veterinary medicines that are also potentially hazardous to the environment, human and animal health. Also, the most hazardous PPP are being withdrawn from the market so the measure would be of limited effectiveness. We would, nevertheless welcome an increased tax to support proper waste (obsolete PPP) management.

9. **PRESCRIPTION SYSTEM FOR SOME PPPs: Should a prescription system be considered for some more hazardous chemical pesticides (candidates for substitutions) used by professional PPP users ?**

Portugal:

A prescription system is contrary to the spirit and letter of the SUD whereas all professional users of PPP must have appropriate training and implement IPM principles. It would also be

difficult to ensure that it would be independent as a significant number of distributors and retailers are employed by PPP companies and are the frontline of advice to farmers. A prescription system would only be effective if it would be possible to ensure an obligatory advice system with independent counsellors, that can accompany the farmer on a permanent basis, but this was also terminated with the entry into force of the SUD. Nevertheless, if established, the prescription system should cover all professional use PPPs, and not only the more hazardous chemical pesticides (candidates for substitution) used by professional PPP users. It would also mean that a prescription recording system would likely be needed.

- 10. HOW TO IMPROVE MONITORING OF PESTICIDES' EFFECTS ON HUMAN HEALTH AND THE ENVIRONMENT: Should the SUD include extra details on monitoring the effects of pesticides on human health and the environment? if so which ones, how to improve cooperation and collaboration with human health colleagues (might not be achieved via a legislative change) ? Would this require changing / making SUD clearer?**

Portugal:

A harmonised approach should be taken on record-keeping and reporting of poisoning incidents suspected to be linked with the use of PPPs. This should involve the CAs for placing PPPs on the market and the Ministries of Health and Environment. A horizontal measure that cross references to the legal frame work on the protection of workers from the risks related to exposure to carcinogens or mutagens at work and pharmacovigilance would be usefull. It should however be said that long-term chronic or sub-chronic effects are very difficult to relate to the use of PPPs or of a specific PPP.

- 11. RECYCLING/SAFE DISPOSAL OF EMPTY PPP CONTAINERS: Should any extra measures be taken to increase the recycling and safe disposal of empty pesticide containers or this should be left to industry and MS to manage ?** for example a possible refundable deposit on products purchased if the empty container is returned to the point of purchase, how to deal with online purchases, problem of long distances/sparsely populated areas, return to point of purchase or bring to a collection point or have a farm collection system, some MS have collection systems also for other waste such as general farm plastics, does the Commission need to act or take action to support the recycling and safe disposal of empty pesticide containers ?

Portugal:

We agree with such a system. There is such a system in place in Portugal. Nevertheless, the proper management of obsolete PPP (waste at the user level) is more challenging and so far, not included in the system as main responsibility for PPP residue management is on the professional users. It would be important to foresee an economic incentive for farmers individually or collectively to ensure proper management of these residues. Online purchases of PPP should also be further regulated as it is most challenging to enforce and control. We consider it would only be possible to purchase online from distributors and retailers legally established in the MS that can also ensure the service of transport of the PPP to the customer.

- 12. IMPROVING EFFECTIVENESS OF MS NAPs: Can MS SUD national action plans be made into more effective implementation and communication tools, how to involve stakeholders and**

link with CAP national strategic plans ? should they be made more prescriptive, be updated more frequently? Be better linked to the CAP and other relevant plans (WFD, Natura 2000)? Would this require changing / making SUD clearer? If yes, in what way?

Portugal:

The main challenge with the implementation of the NAP is of formal nature. It is difficult to politically engage all competent authorities. Also insufficient resources are allocated for this purpose. It would thus be important that the NAP can be better linked to the CAP, WFD and Natura 2000 plans.

13. **(LEGALLY BINDING) TARGETS TO REDUCE USE AND RISK OF PESTICIDES: What are the experiences at MS level with quantitative pesticide use/risk reduction targets ?** have these been put into legislation or NAPs, have they been successful or not, what have been the follow-up actions at national level if the targets are not achieved or progress is insufficient: support, penalties ? should the F2F targets be made legally applicable in individual MS?

Portugal:

No quantitative risk reduction targets have been set so far as important information is missing such as statistics data on the use of PPP. However indicators established in the NAP indirectly suggest risk/use reduction of PPP based on sales data and authorisation of different categories of PPP. Targets should only be set as long as a robust system for collecting use data is available and implemented. Also, horizontal measures such as setting appropriate Statutory Management Requisites from the SUD into the cross-compliance is essential.

14. **(HARMONISED) RISK INDICATORS: Any suggestions for potential new (harmonised) risk indicators that should be investigated or developed by the Commission, preferably that could be easily and quickly developed ?** do MS already use other indicators e.g. German experience with MRL detections in food ?

Portugal:

The harmonised risk indicators should be based on sound scientific data: indicators should be related with the actual use of PPPs and not with aggregated sales statistical data. Risk Indicators based on water quality controls (for pesticides) under the WFD and pesticide residue controls in food and feed under Reg. 396/2005 should be considered.

15. **COHERENCE/COMPLEMENTARITY OF THE SUD WITH OTHER EU LEGISLATION OR POLICIES: Any areas of contradiction between different EU policies that should be investigated or resolved ?** Reference was made to different buffer zone requirements applying under the CAP and for individual PPPs.

Portugal:

We see contradictions between SUD and other legislation in particular CAP policy regarding the small farmer scheme.

With respect to buffer zones, they should be defined as a result of risk assessment based on the GAP of a particular use and the hazard properties of a particular PPP. Different uses for the same PPP may lead to different buffer zones.

Administrative buffer zones that do not consider local conditions and are not technically justified are difficult to implement and to enforce.